

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WEBROOT, INC., OPEN TEXT INC.,  
OPEN TEXT CORPORATION,  
*Plaintiffs,***

**-v-**

**SOPHOS LIMITED,  
*Defendant.***

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**6:22-cv-00243-ADA-DTG  
LEAD CASE**

**6:22-cv-00240-ADA-DTG  
MEMBER CASE**

**CLAIM CONSTRUCTION ORDER**

Before the Court are the Parties’ claim construction briefs: Counter-Defendants Webroot, Inc. and Open Text Inc.’s (“Defendants”) Opening and Reply briefs (ECF Nos. 193 and 249, respectively) and Plaintiff Sophos Limited’s Response and Sur-Reply briefs (ECF Nos. 245 and 273, respectively). The Court provided preliminary constructions for the disputed terms one day before the hearing. The Court held the *Markman* hearing on May 3, 2023. ECF No. 291. During that hearing, the Court informed the Parties of the final constructions for the disputed terms. *Id.* This Order does not alter any of those constructions.

The Court issues this Order to memorialize the Court’s final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned’s claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

**SIGNED** this 3rd day of May, 2023.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", written over a horizontal line.

DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE

<b>Term</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Final Construction</b>
<p>#1: "A method for content analysis via a proxy, said method comprising"</p> <p>U.S. Patent No. 7,757,002, Claim 10</p> <p>Proposed by Defendants</p>	The preamble is not limiting	The preamble is limiting	The preamble is not limiting except for "a proxy."
<p>#2: "Proxy"</p> <p>U.S. Patent No. 7,757,002, Claim 10</p> <p>Proposed by Defendants</p>	Plain and ordinary meaning	Plain and ordinary meaning, which is a device or service that offers a network service to allow clients to make indirect network connections to other network services	Plain and ordinary meaning.
<p>#3: "Pre-fetching additional content linked or connected to a first content"</p> <p>U.S. Patent No. 7,757,002, Claim 10</p> <p>Proposed by Defendants</p>	Plain and ordinary meaning	Plain and ordinary meaning, wherein "pre-fetching" means retrieving before being requested by a user	Plain and ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#4: "monitoring and keeping count of a number of communications from the first communication identifier, wherein the number of communications includes both a count of at least one of malicious and unwanted communications and a count of at least one of non-malicious and unwanted communications"</p> <p>U.S. Patent No. 7,890,627, Claim 1</p> <p>Proposed by Defendants</p>	Not indefinite	Indefinite	Not indefinite. Plain and ordinary meaning.
<p>#5: "attributing the number of communications to each appropriate component of the hierarchical tree"</p> <p>U.S. Patent No. 7,890,627, Claim 1</p> <p>Proposed by Defendants</p>	Not indefinite	Indefinite; or, in the alternative: "attributing the number of communications from the first communication identifier to each of its components, such that the communications from each sub-node are attributed to itself and each node that is directly ancestral to the sub-node in question, up to the root"	Not indefinite. Plain and ordinary meaning.